

Claimant and Respondent agree, by letter brief to the Board, that claimant, in Docket No. 261,143, is entitled to 42.29 weeks of temporary total disability compensation

for the period from August 14, 2007 to June 5, 2008, followed by a 16 percent permanent partial functional impairment to the right shoulder.

FINDINGS OF FACT

The Board's charge is simply to enter an Award consistent with the findings made by the Court of Appeals.

CONCLUSIONS

Pursuant to the stipulations of the parties, the Board modifies claimant's Award in Docket No. 261,143, to grant claimant 42.29 weeks of temporary total disability compensation for the period of August 14, 2007 to June 5, 2008, followed by a 16 percent permanent partial functional impairment to the right shoulder.

AWARD

WHEREFORE, it is the finding, decision and order of the Board that the Award of Administrative Law Judge Steven J. Howard dated May 20, 2001, is modified in accordance with the Court of Appeals Opinion. Claimant is entitled to 42.29 weeks of temporary total disability at the rate of \$401 per week in the amount of \$16,958.29, followed by 29.23 weeks compensation at the rate of \$401 per week in the amount of \$11,721.23, for a 16 percent permanent partial functional disability to the right shoulder, for a total award of \$28,679.52. The entire Award is due and owing and ordered paid in one lump sum, minus any amounts previously paid. All other findings and conclusions contained within the ALJ's Award are hereby affirmed to the extent they do not contradict the findings and conclusions contained herein. The Board's Order in Docket No. 253,153, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of January, 2014.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

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Steven J. Howard, Administrative Law Judge